

Union Calendar No. 42

103D CONGRESS
1ST SESSION

H. R. 240

[Report No. 103-87]

A BILL

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MAY 11, 1993

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 5, 1993

Mr. LEHMAN (for himself and Mr. MILLER of California) introduced the following bill; which was referred to the Committee on Natural Resources

MAY 11, 1993

Additional sponsor: Ms. WOOLSEY

MAY 11, 1993

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on January 5, 1993]

A BILL

To provide for the protection of the Bodie Bowl area of the State of California, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Bodie Protection Act*
3 *of 1993”.*

4 **SEC. 2. FINDINGS.**

5 *The Congress finds that—*

6 *(1) the historic Bodie gold mining district in the*
7 *State of California is the site of the largest and best*
8 *preserved authentic ghost town in the western United*
9 *States;*

10 *(2) the Bodie Bowl area contains important nat-*
11 *ural, historical, and aesthetic resources;*

12 *(3) Bodie was designated a National Historical*
13 *Landmark in 1961 and a California State Historic*
14 *Park in 1962, is listed on the National Register of*
15 *Historic Places, and is included in the Federal His-*
16 *toric American Buildings Survey;*

17 *(4) nearly 200,000 persons visit Bodie each year,*
18 *providing the local economy with important annual*
19 *tourism revenues;*

20 *(5) the town of Bodie is threatened by proposals*
21 *to explore and extract minerals: mining in the Bodie*
22 *Bowl area may have adverse physical and aesthetic*
23 *impacts on Bodie’s historical integrity, cultural val-*
24 *ues, and ghosttown character as well as on its rec-*
25 *reational values and the area’s flora and fauna;*

1 (6) the California State Legislature, on September
2 ber 4, 1990, requested the President and the Congress
3 to direct the Secretary of the Interior to protect the
4 ghosttown character, ambience, historic buildings, and
5 scenic attributes of the town of Bodie and nearby
6 areas;

7 (7) the California State Legislature also requested the Secretary, if necessary to protect the Bodie
8 Bowl area, to withdraw the Federal lands within the
9 area from all forms of mineral entry and patent;
10

11 (8) the National Park Service listed Bodie as a
12 priority one endangered National Historic Landmark
13 in its fiscal year 1990 and 1991 report to Congress
14 entitled "Threatened and Damaged National Historic
15 Landmarks" and recommended protection of the
16 Bodie area; and

17 (9) it is necessary and appropriate to provide
18 that all Federal lands within the Bodie Bowl area are
19 not subject to location, entry, and patent under the
20 mining laws of the United States, subject to valid existing
21 rights, and to direct the Secretary to consult
22 with the Governor of the State of California before approving
23 any mining activity plan within the Bodie
24 Bowl.

1 **SEC. 3. DEFINITIONS.**

2 *For purposes of this Act:*

3 (1) *The term “Bodie Bowl” means the Federal*
4 *lands and interests in lands within the area generally*
5 *depicted on the map referred to in section 4(a).*

6 (2) *The term “mineral activities” means any ac-*
7 *tivity involving mineral prospecting, exploration, ex-*
8 *traction, milling, beneficiation, processing, and rec-*
9 *lamation.*

10 (3) *The term “Secretary” means the Secretary of*
11 *the Interior.*

12 **SEC. 4. APPLICABILITY OF MINERAL MINING, LEASING AND**
13 **DISPOSAL LAWS.**

14 (a) *RESTRICTION.—Subject to valid existing rights,*
15 *after the date of enactment of this Act Federal lands and*
16 *interests in lands within the area generally depicted on the*
17 *map entitled “Bodie Bowl” and dated June 12, 1992, shall*
18 *not be—*

19 (1) *open to the entry or location of mining and*
20 *mill site claims under the general mining laws of the*
21 *United States;*

22 (2) *subject to any lease under the Mineral Leas-*
23 *ing Act (30 U.S.C. 181 and following) or the Geo-*
24 *thermal Steam Act of 1970 (30 U.S.C. 100 and fol-*
25 *lowing), for lands within the Bodie Bowl; and*

1 (3) *available for disposal of mineral materials*
2 *under the Act of July 31, 1947, commonly known as*
3 *the Materials Act of 1947 (30 U.S.C. 601 and follow-*
4 *ing).*

5 *Such map shall be on file and available for public inspec-*
6 *tion in the Office of the Secretary, and appropriate offices*
7 *of the Bureau of Land Management and the National Park*
8 *Service. As soon as practicable after the date of enactment*
9 *of this Act, the Secretary shall publish a legal description*
10 *of the Bodie Bowl area in the Federal Register.*

11 (b) *VALID EXISTING RIGHTS.*—*As used in this sub-*
12 *section, the term “valid existing rights” in reference to the*
13 *general mining laws means that a mining claim located*
14 *on lands within the Bodie Bowl was properly located and*
15 *maintained under the general mining laws prior to the date*
16 *of enactment of this Act, was supported by a discovery of*
17 *a valuable mineral deposit within the meaning of the gen-*
18 *eral mining laws on the date of enactment of this Act, and*
19 *that such claim continues to be valid.*

20 (c) *VALIDITY REVIEW.*—*The Secretary shall undertake*
21 *an expedited program to determine the validity of all*
22 *unpatented mining claims located within the Bodie Bowl.*
23 *The expedited program shall include an examination of all*
24 *unpatented mining claims, including those for which a pat-*
25 *ent application has not been filed. If a claim is determined*

1 *to be invalid, the Secretary shall promptly declare the claim*
 2 *to be null and void, except that the Secretary shall not chal-*
 3 *lenge the validity of any claim located within the Bodie*
 4 *Bowl for the failure to do assessment work for any period*
 5 *after the date of enactment of this Act. The Secretary shall*
 6 *make a determination with respect to the validity of each*
 7 *claim referred to under this subsection within 2 years after*
 8 *the date of enactment of this Act.*

9 *(d) LIMITATION ON PATENT ISSUANCE.—*

10 *(1) MINING CLAIMS.—(A) After January 11,*
 11 *1993, no patent shall be issued by the United States*
 12 *for any mining claim located under the general min-*
 13 *ing laws within the Bodie Bowl unless the Secretary*
 14 *determines that, for the claim concerned—*

15 *(i) a patent application was filed with the*
 16 *Secretary on or before such date; and*

17 *(ii) all requirements established under sec-*
 18 *tions 2325 and 2326 of the Revised Statutes (30*
 19 *U.S.C. 29 and 30) for vein or lode claims and*
 20 *sections 2329, 2330, 2331, and 2333 of the Re-*
 21 *vised Statutes (30 U.S.C. 35, 36, 37) for placer*
 22 *claims were fully complied with by that date.*

23 *(B) If the Secretary makes the determinations*
 24 *referred to in subparagraph (A) for any mining*
 25 *claim, the holder of the claim shall be entitled to the*

1 *issuance of a patent in the same manner and degree*
2 *to which such claim holder would have been entitled*
3 *to prior to the enactment of this Act, unless and until*
4 *such determinations are withdrawn or invalidated by*
5 *the Secretary or by a court of the United States.*

6 (2) *MILL SITE CLAIMS.*—(A) *After January 11,*
7 *1993, no patent shall be issued by the United States*
8 *for any mill site claim located under the general min-*
9 *ing laws within the Bodie Bowl unless the Secretary*
10 *determines that, for the claim concerned—*

11 (i) *a patent application was filed with the*
12 *Secretary on or before January 11, 1993; and*

13 (ii) *all requirements applicable to such pat-*
14 *ent application were fully complied with by that*
15 *date.*

16 (B) *If the Secretary makes the determinations*
17 *referred to in subparagraph (A) for any mill site*
18 *claim, the holder of the claim shall be entitled to the*
19 *issuance of a patent in the same manner and degree*
20 *to which such claim holder would have been entitled*
21 *to prior to the enactment of this Act, unless and until*
22 *such determinations are withdrawn or invalidated by*
23 *the Secretary or by a court of the United States.*

1 **SEC. 5. MINERAL ACTIVITIES.**

2 (a) *IN GENERAL.*—Notwithstanding the last sentence
3 of section 302(b) of the Federal Land Policy and Manage-
4 ment Act of 1976, and in accordance with this Act and
5 other applicable law, the Secretary shall require that min-
6 eral activities be conducted in the Bodie Bowl so as to—

7 (1) *avoid adverse effects on the historic, cultural,*
8 *recreational and natural resource values of the Bodie*
9 *Bowl; and*

10 (2) *minimize other adverse impacts to the envi-*
11 *ronment.*

12 (b) *RESTORATION OF EFFECTS OF MINING EXPLO-*
13 *RATION.*—As soon as possible after the date of enactment
14 of this Act, visible evidence or other effects of mining explo-
15 ration activity within the Bodie Bowl conducted on or after
16 September 1, 1988, shall be reclaimed by the operator in
17 accordance with regulations prescribed pursuant to sub-
18 section (d).

19 (c) *ANNUAL EXPENDITURES; FILING.*—The require-
20 ments for annual expenditures on unpatented mining
21 claims imposed by Revised Statute 2324 (30 U.S.C. 28)
22 shall not apply to any such claim located within the Bodie
23 Bowl. In lieu of filing the affidavit of assessment work re-
24 ferred to under section 314(a)(1) of the Federal Land Policy
25 and Management Act of 1976 (43 U.S.C. 1744(a)(1)), the
26 holder of any unpatented mining or mill site claim located

1 *within the Bodie Bowl shall only be required to file the no-*
2 *tice of intention to hold the mining claim referred to in*
3 *such section 314(a)(1).*

4 (d) *REGULATIONS.*—*The Secretary shall promulgate*
5 *rules to implement this section, in consultation with the*
6 *Governor of the State of California, within 180 days after*
7 *the date of enactment of this Act. Such rules shall be no*
8 *less stringent than the rules promulgated pursuant to the*
9 *Act of September 28, 1976 entitled “An Act to provide for*
10 *the regulation of mining activity within, and to repeal the*
11 *application of mining laws to, areas of the National Park*
12 *System, and for other purposes” (Public Law 94–429; 16*
13 *U.S.C. 1901–1912).*

14 **SEC. 6. STUDY.**

15 *Beginning as soon as possible after the date of enact-*
16 *ment of this Act, the Secretary of the Interior shall review*
17 *possible actions to preserve the scenic character, historical*
18 *integrity, cultural and recreational values, flora and fauna,*
19 *and ghost town characteristics of lands and structures with-*
20 *in the Bodie Bowl. No later than 3 years after the date*
21 *of such enactment, the Secretary shall submit to the Com-*
22 *mittee on Natural Resources of the United States House of*
23 *Representatives and the Committee on Energy and Natural*
24 *Resources of the United States Senate a report that dis-*
25 *cusses the results of such review and makes recommenda-*

- 1 *tions as to which steps (including but not limited to acqui-*
- 2 *sition of lands or valid mining claims) should be under-*
- 3 *taken in order to achieve these objectives.*